

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GEERTSON SEED FARMS, an Oregon business; TRASK FAMILY SEEDS a South Dakota business; CENTER FOR FOOD SAFETY, a Washington DC nonprofit corp.; BEYOND PESTICIDES, a Washington DC nonprofit corp.; CORNUCOPIA INSTITUTE, a Wisconsin nonprofit corp.; DAKOTA RESOURCE COUNCIL, a North Dakota nonprofit corp.; NATIONAL FAMILY FARM COALITION, a Michigan nonprofit corp.; SIERRA CLUB, a California nonprofit corp.; WESTERN ORGANIZATION OF RESOURCE COUNCILS a Montana nonprofit corp.,

Plaintiffs - Appellees,

v.

MIKE JOHANNNS, in his official capacity as Secretary of the U.S. Department of Agriculture; STEVE JOHNSON, in his official capacity as Administrator of the U.S. Environmental Protection Agency; RON DEHAVEN, in his official capacity as Administrator of the Animal Plant Health and Inspection Service, U.S. Department of Agriculture,

Defendants,

FORAGE GENETICS, INC.; JOHN GROVER; DANIEL MADEROS; MARK

No. 07-16458

D.C. No. CV-06-01075-CRB
Northern District of California,
San Francisco

ORDER

WATTE,

Defendant-intervenors,

and

MONSANTO COMPANY,

Defendant-intervenor -
Appellant.

GEERTSON SEED FARMS, an Oregon business; TRASK FAMILY SEEDS a South Dakota business; CENTER FOR FOOD SAFETY, a Washington DC nonprofit corp.; BEYOND PESTICIDES, a Washington DC nonprofit corp.; CORNUCOPIA INSTITUTE, a Wisconsin nonprofit corp.; DAKOTA RESOURCE COUNCIL, a North Dakota nonprofit corp.; NATIONAL FAMILY FARM COALITION, a Michigan nonprofit corp.; SIERRA CLUB, a California nonprofit corp.; WESTERN ORGANIZATION OF RESOURCE COUNCILS a Montana nonprofit corp.,

Plaintiffs - Appellees,

v.

MIKE JOHANNNS, in his official capacity as Secretary of the U.S. Department of Agriculture; STEVE JOHNSON, in his official capacity as Administrator of the U.S. Environmental Protection Agency; RON DEHAVEN, in his official capacity as Administrator of the Animal Plant Health and Inspection Service, U.S. Department of Agriculture,

Defendants,

MONSANTO COMPANY,

Defendant-intervenor,

and

No. 07-16492

D.C. No. CV-06-01075-CRB

GROVER; DANIEL MADEROS; MARK
WATTE,

Defendant-intervenors -
Appellants.

TRASK FAMILY SEEDS a South Dakota business; CENTER FOR FOOD SAFETY, a Washington DC nonprofit corp.; BEYOND PESTICIDES, a Washington DC nonprofit corp.; CORNUCOPIA INSTITUTE, a Wisconsin nonprofit corp.; DAKOTA RESOURCE COUNCIL, a North Dakota nonprofit corp.; NATIONAL FAMILY FARM COALITION, a Michigan nonprofit corp.; SIERRA CLUB, a California nonprofit corp.; WESTERN ORGANIZATION OF RESOURCE COUNCILS a Montana nonprofit corp.; GEERTSON SEED FARMS, an Oregon business,

Plaintiffs - Appellees,

and

GEERTSON SEED FARMS, an Oregon Corp.,

Plaintiff,

v.

MIKE JOHANNNS, in his official capacity as Secretary of the U.S. Department of Agriculture; STEVE JOHNSON, in his official capacity as Administrator of the U.S. Environmental Protection Agency; RON DEHAVEN, in his official capacity as Administrator of the Animal Plant Health and Inspection Service, U.S. Department of Agriculture;

No. 07-16725

D.C. No. CV-06-01075-CRB

STEVE JOHNSON, in his official
capacity as Administrator of the United
States Environmental Protection Agency,

Defendants-Appellants

and

MONSANTO COMPANY; FORAGE
GENETICS, INC.; JOHN GROVER;
DANIEL MADEROS; MARK WATTE,

Defendant-intervenors

Before: SCHROEDER and N.R. SMITH, Circuit Judges, and FAIRBANK,*
District Judge.

The cause is remanded to the district court for further proceedings consistent
with the opinion of the United States Supreme Court.

* The Honorable Valerie Fairbank, United States District Judge for the
Central District of California, sitting by designation.